

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
WESTERN DIVISION**

**CIVIL ACTION NO. 04-30177 PBS**

**JOEL PENTLARGE,  
Plaintiff,**

**v.**

**Robert Murphy, et al.,  
Defendants.**

**RESPONSE OF DEFENDANTS DEBORAH O'DONNELL AND  
NATALYA PUSHKINA TO MOTION OF JOEL PENTLARGE  
FOR CLASS CERTIFICATION**

Defendants Deborah O'Donnell and Natalya Pushkina, employees of Forensic Health Services, Incorporated (collectively, the "FHS Defendants"), respond to Plaintiff Joel Pentlarge's Motion for Class Certification ("Plaintiffs Motion"), by requesting that the Court stay any action until the Court has resolved the FHS Defendants' outstanding motion to dismiss.<sup>1</sup>

Given the pendency of these dispositive motions, it makes little sense for the FHS Defendants to have to oppose or for the Court to have to rule on the Plaintiff's Motion. If the Court allows the FHS defendants' motion to dismiss in their entirety, there will be no need for action on the Plaintiff's Motion. If the Court allows any portion of the FHS Defendant's motion, the Court's order will likely serve to narrow the issues to be raised in the class action. In the event that this court denies the FHS Defendant's motion to

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<sup>1</sup> On February 25, 2005, the FHS Defendants moved to dismiss the above-titled complaint. On September 28, 2005, the Court (U.S.M.J. Dein) heard oral arguments on this and other motions. On February 28, 2006, the Court (U.S.M.J. Dein), in its Report and Recommendation on Motion of Defendants Pushkina and O'Donnell To Dismiss (FHS Defendants' Motion to Dismiss), the Court recommended that the motion to dismiss be allowed.

dismiss in their entirety, the FHS Defendant's request that the Court set a time for them to respond to the Plaintiff's Motion at least 30 days after the Court's ruling on the outstanding motion to dismiss.

WHEREFORE, the FHS Defendants respectfully request that this Court allow this motion.

Respectfully submitted,  
Deborah O'Donnell and Natalya Pushkina

By their attorney,

/s/ Kevin W. Mulvey

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Kevin W. Mulvey, Counsel (BBO# 642914)  
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Dated: May 17, 2006

**CERTIFICATE OF SERVICE**

I, Kevin W. Mulvey, hereby certify that on the 17th day of May, 2006, I served a copy of this pleading upon all counsel of record by filing it electronically.

/s/ Kevin W. Mulvey

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